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Paper No. 8

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OFFICE OF PETITIONS

In re Application of	:	
Noguchi et al.	:	DECISION GRANTING
Application No. 09/844,274	:	PETITION UNDER
Filed: 30 April, 2001	:	37 CFR 1.55(c)
Attorney Docket No. 865.4346 CIP	:	

This is a decision on the petition under 37 CFR 1.55(c), filed on 19 November, 2002, requesting acceptance of an unintentionally delayed claim under 35 USC 119 (a) - (d) for benefit of the filing date of the following foreign applications: Japanese Application Nos. 10-080208, filed on 12 March, 1998; and 11-033925, filed on 12 February, 1999.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date;
- (3) the surcharge of, \$1280.00, as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner

may require additional information where there is a question whether the delay was unintentional.); and

- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The above-identified pending nonprovisional application was filed on 30 April, 2001, which is after 29 November, 2000, is a continuation-in-part of Application No. 09/263,078, which claims priority to the above-identified Japanese applications.

Application No. 09/263,078 was filed within 12 months of 12 March, 1998, which is the earliest filing date of the foreign applications to which benefit is claimed. A copy of the foreign priority documents has been located in the file of Application No. 09/263,078. The papers filed on 19 November, 2002, also include a formal claim to priority which identifies the foreign application for which priority is claimed. Pursuant to petitioner's authorization, the \$1,280.00 surcharge has been paid. Lastly, petitioner has provided an adequate statement of unintentional delay.

All requirements being met, the petition is **granted**.

The foreign priority claim has been entered in Office PALM records. A corrected Filing Receipt is enclosed which includes the foreign priority claims and projected publication date for the above-identified application.

The application will then be forwarded to Technology Center 2600 for consideration by the examiner of record of the foreign priority claims under 35 USC 119 and 37 CFR 1.55(c).

Any inquiries directly pertaining to this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (703) 308-6918.


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